THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21177 OF 2005

Dated: 14-11-2005

Between

Yasam Venkateswara Rao, S/o. Sri Krishan Murthy, Occ: Agriculture Collie, R/o. 4th Ward, Avanigadda, Krishna District.

...PETITIONER

AND

The Supreintendent of Police, Krishna District and another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that a Rowdy Sheet No.9/1996 was opened against the petitioner on the file of Avanigadda Police Station. Even though all the cases against the petitioner ended in acquittal the respondents are continuing the rowdy sheet and it has not yet been closed. Therefore, the action of the respondents in continuing the rowdy sheet opened against the petitioner is illegal and unsustainable.

Counter has been filed by the respondents stating that the petitioner was involved in Cr.Nos.42 and 51 of 1992, Cr.No.88 of 1996, Cr.No.100 of 1999 and Cr.No.12 of 2001. Except Cr.No.100 of 1999 for the offence under Section 110(e) of Code of Criminal Procedure, all other cases against the petitioner ended in acquittal.

It is further submitted that even in respect of Cr.No.100 of 1999 the period of bind over is already over. It is stated that the petitioner is an anti social element indulging in acts of violence and habitually commits offences involving breach of peace and is also a desperate and dangerous character. The rowdy sheet was opened against him on 22.11.1996 and his movements were under closed watch since then and the said rowdy sheet has been extended from time to time and it stands extended up to 31.12.2005. It is submitted that mere acquittal in criminal cases does not confer any right on the petitioner to close rowdy sheet against him.

This Court time and again stated that a Rowdy Sheet can be opened and continued against persons who are habitual offenders and against whom the bind over orders are pending. In the instant case all the criminal cases against the petitioner ended in acquittal.

Having regard to the facts and circumstances of the case the respondents are directed to close the rowdy sheet opened and pending against the petitioner. However, it is always open for the respondents to open a rowdy sheet if more than one case is pending against the petitioner keeping close watch over the activities of the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

November 14, 2005

DSK